

MEETING
STATE OF CALIFORNIA
SECRETARY OF STATE
VOTING SYSTEMS PANEL

SECRETARY OF STATE
1500 11TH STREET
MULTI-PURPOSE ROOM
SACRAMENTO, CALIFORNIA

THURSDAY, AUGUST 22, 2002

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JAMES F. PETERS, CSR, RPR
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APPEARANCES

PANEL MEMBERS

Mr. Bob Jennings, Chairperson

Mr. Chon Gutierrez

Mr. John Mott-Smith

Mr. Chris Reynolds

Mr. Bernard Soriano

Mr. Steve Trout

STAFF

Mr. Louis Dedier

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1 PROCEEDINGS

2 CHAIRPERSON JENNINGS: Good morning, everyone.

3 I'm Bob Jennings. I'm the Secretary of State Council
4 Chairman of the Voting Systems Panel. And I'll call this
5 meeting to order.

6 Members of the panel are, on my far left, is
7 Steve Trout, who is legal counsel for the Elections
8 Division of the Secretary Of State's office; and my
9 immediate left, Chon Gutierrez, who is the Assistant
10 Secretary for Operations; on my far right Chris Reynolds,
11 who's the Assistant Secretary for Communications and
12 Constituent Affairs -- Communications. I'm sorry.

13 PANEL MEMBER REYNOLDS: That's legislation.

14 CHAIRPERSON JENNINGS: The Legislation
15 Constituent Affairs. And next to him, to his left is
16 Bernard Soriano, who is the Chief of our Information and
17 Technology Division. And on my immediate right, John
18 Mott-Smith, who is the Chief of our Elections Division.

19 And we have also with us Louis Dedier, who is our
20 voting systems expert and specialist.

21 And we'll call this meeting to order and go to
22 the first agenda item, which is consideration of the
23 Avante, Vote Tracker Touch Screen Voting System, and turn
24 that over to Lou.

25 MR. DEDIER: What I'd like to do is move Item

1 Number 2 to Item Number 1. If we could go directly to the
2 Win Vote System --

3 CHAIRPERSON JENNINGS: All right. We'll consider
4 the Win Vote Ballot on Demand Optical Scan Voting System,
5 which all of us have had a report from Lou that's been
6 prepared. And I'm assuming that all of you have had a
7 chance to review that. I know I did a couple days ago.

8 So if you could give us a quick report, Lou.
9 We're trying to take some action here. This is going to
10 be, I think, a very short meeting.

11 MR. DEDIER: Yes. The Advanced Voting Solution,
12 formally the Shoup Company, came to us with a DRE course
13 wireless network transfer. And basically they have
14 created a system that's a ballot-on-demand system. It
15 uses a Scantron System. A Scantron has been used
16 throughout the school districts and throughout the
17 education process for years. It's pretty -- fairly
18 reliable. Various error marks like when we had our
19 optical scanning system, there are error marks within the
20 system.

21 They've given the opportunity similar to the Hart
22 System that we've seen previously, where you can have the
23 ability to print ballots on demand.

24 We did a user testing. We did some accessibility
25 testing. We put used ballots here at our location, at the

1 Secretary Of State's office. We ran this through the
2 Advisory Committee. The Advisory Committee, basically the
3 results were -- there was the same as the Hart. It's kind
4 of an optical scan system.

5 They believe as long as it's limited to the
6 ability for the county to print inside the county
7 building, they're fine with that. They believe in the
8 securities. They understand that any county that went to
9 such a system would be subject to approval by the
10 Secretary of State as becoming a ballot printer. And they
11 also noted that they would like that to be -- that
12 provision made prior, so everybody's notified prior so a
13 county doesn't purchase a system that they have been
14 certified for. They would like the Secretary of State to
15 come out and check prior to them purchasing such a system.

16 Basically after reviewing the entire system, we
17 found that to meet all election codes, me and Robert
18 Nageley came to the same conclusion. Bob doesn't make a
19 basic recommendation. He just says whether it meets the
20 code, he feels that it meets all the code.

21 So based on the information and all the facts
22 that we gathered, I'm prepared to recommend certification.
23 But along with the certification, I'd also like to have
24 some conditions placed within the certification.

25 The presenter must notify the SOS prior to

1 installation or sale of the equipment.

2 Next item to add as a condition: The SOS would
3 present the system to the SOS during the first election
4 and we will be on site during the first election. The
5 Secretary of State shall be present for any acceptancy
6 testing of the system. And the acceptance test is a. --
7 going to be comprised of seeing how the equipment works
8 and to make sure what we certify is what the county got.
9 And the acceptance test will -- any costs associated with
10 that will be burdened by the vendor, not by the State. So
11 if I have to bring Robert Nageley in or we have to travel
12 to a jurisdiction, that cost will be covered by the
13 vendor.

14 Procedures that were submitted into the win Scan
15 System. They submitted procedures for operation of their
16 system. We've been changing everyone's procedures to meet
17 a California template. They have yet to do that, but we
18 just instructed them on that. And that's something that
19 they'll be forthcoming with, basically the outline of
20 their procedures. Their procedures will be forthcoming.
21 We ask that their procedures -- the system not be used
22 until these procedures have been reviewed by this group.

23 Any changes in the equipment must be approved by
24 the SOS. The vendor will notify any county wishing to
25 purchase this system of the requirements to become a

1 ballot printer.

2 The system shall be certified as an absentee
3 system only. So that way it's not to be used in a
4 precinct-based system.

5 And those are the recommendations that I have
6 that would be added to it.

7 I prepared a listing inside your binder for your
8 review with my recommendations, but I see no reason that
9 we can't certify the system.

10 CHAIRPERSON JENNINGS: Well, I read your report,
11 and I agree as well. I couldn't find anything --
12 any questions that I had. It looks like a pretty
13 straightforward system.

14 But I would ask, are there any members of the
15 panel who wish to either ask questions or have comments?

16 PANEL MEMBER TROUT: I just had a question on the
17 translations for minority languages.

18 In the report here it says any languages that
19 Microsoft supports. What kind of limitations are those?
20 And what kind of latitude do we have for having different
21 languages?

22 MR. DEDIER: Well, Microsoft supports currently
23 32 languages; 32 languages are outlined with Microsoft.
24 They give you a list of those. Even though languages are
25 supported by it, basically it means they set up the

1 ballot. They've clicked to the language of Microsoft.

2 Inside the operating procedures we have -- each
3 one of them have those exported to a translator; but that
4 Microsoft does not -- it translates the language for you,
5 but that's not a firm saying that the language is
6 acceptable by the person. You should have somebody read
7 through it. And that's one thing that we've come up with
8 in the procedures.

9 PANEL MEMBER TROUT: So the -- it pops up on the
10 system, and the translation there is going to be Microsoft
11 translation, that's not going to be the official
12 translation that we have performed?

13 MR. DEDIER: Exactly.

14 What Microsoft has done is, Microsoft has -- in
15 Spanish there's nine versions of Spanish. Microsoft took
16 the one that's used most commonly. But that will get you
17 into trouble if you use that. And so what we've done is
18 inside the procedures we've said to set up your ballot,
19 export it to your translator, have it approved, import the
20 information back in once it's been ran by a translator and
21 approved, then the system can go on and produce the
22 ballot. And that's the same as any DRE. Those are in the
23 procedures for each DRE.

24 The DRE setup is the same. For any run software
25 on this system is the same as their DRE has approved. And

1 those are outlined in the procedures for their DRE. But
2 no translation should ever just be done in verbatim and
3 say, "because Microsoft said it is, it is," because you
4 will find mistakes. I know from past experience.

5 PANEL MEMBER TROUT: And that's my concern, is
6 that we have different translation on this machine as we
7 have in, you know, somewhere else, if you've got voters of
8 the same jurisdiction getting different translations, I
9 don't think we want to go there. But this has the
10 capability to upload whatever official translation the
11 Secretary of State has approved?

12 MR. DEDIER: Exactly. No one will ever use the
13 translation that they've exported directly from Microsoft
14 without it being verified with what the Secretary of State
15 has.

16 CHAIRPERSON JENNINGS: That was a good question,
17 Steve.

18 Anyone else?

19 PANEL MEMBER REYNOLDS: The procedures we just
20 talked about are done, the procedures reflecting the need
21 to export them? Are there substantive changes that
22 procedures have not really been submitted for approval yet
23 with this? Are they mostly a change in form to meet the
24 template, or are there substantive things that will have
25 to be done to --

1 MR. DEDIER: No, the changes are mainly to
2 reflect California. They're written in generalization for
3 the Nay Set testing. Nay Set requires it to meet all
4 jurisdictions within U.S. California has certain laws
5 wherein their procedures you see things, comments talk
6 about straight-party voting. And we remove those. And
7 what we do is we ask the vendor to add in parts that
8 reflect what the California election code would be.

9 So what they're doing is they're removing things
10 that don't apply to California that could confuse our
11 counties. And what they're adding is quotes from the
12 Election Codes so they have something to reference back in
13 within the procedures. But there is no real changes of
14 like how the operation of the systems.

15 One of the changes we said was -- like Nay Set
16 talks about the language capability of the import and
17 export. And we say that it must be viewed by a translator
18 and approved and to match the items by the State.

19 PANEL MEMBER REYNOLDS: And the other point is,
20 are the recommendations that this would only be used for
21 absentee ballots. Is there any point in time where you
22 would conceive that a county would print all its ballots,
23 items centrally, but distribute them to the polling
24 places?

25 MR. DEDIER: I can see that coming. I think in

1 this technology what we need to do is go slow. If we
2 don't take a "go-slow approach" on it, what we're going to
3 have -- we have to be real careful how we certify a ballot
4 on demand system. Because, if not, a county is going to
5 go ahead, at some point, and say they've determined a
6 precinct system to where we allow the ballot's to be
7 transported, a printer will end up in one of these
8 locations to print ballots at the location. They could do
9 that.

10 Then we comprise the security of the election.
11 That's why we limited it to the absentee only. At
12 sometime the vendor might come back with a county and ask
13 this Committee to take a look and say, "Will you guys
14 certify this so we can export those ballots to the
15 precinct for voting?" But at this time I think the
16 "go-slow approach" is probably the best because this is
17 new and we are going to be challenged with a perception of
18 the press and in the media that might take and say the
19 county has ability to produce ballots. And there is a
20 perception out there. And so we have to move slow with
21 those perceptions.

22 CHAIRPERSON JENNINGS: I might say, Chris, some
23 time ago, probably a year and a half ago, I was visited by
24 Placer County Registrar of Voters, the court recorder and
25 registrar of voters all in one. And he was interested in

1 the system that did just that. In other words, they could
2 print all the ballots there in place there in Auburn.

3 But like Lou was having -- it's a matter of
4 timing. I think something that will happen, but we're not
5 there yet.

6 PANEL MEMBER TROUT: If I could follow-up on what
7 Chris was talking about.

8 We're going to have this period for absentees,
9 which is going to be a 29-day period. But are we going to
10 have any issues with starting the machine up, shutting it
11 down, starting it up, shutting it down and keeping records
12 that -- you know, like when you have opening the polls and
13 then closing polls on election days that's easy to
14 monitor.

15 But if you're starting and stopping at different
16 points during the 29-day absentee period, do we have
17 issues there that we need to be concerned with and access
18 the passwords, those kind of things, because it's such a
19 bigger -- you've got more people that have to have access
20 and a longer period of time rather than just the three or
21 four or five poll workers at a polling place that we're
22 used to dealing with on opening the polls and closing the
23 polls.

24 MR. DEDIER: Yeah, on the absentee system, what
25 they're going to do on ballot demand, they're going to be

1 able to -- it gives the county the ability to produce
2 ballots at will. They still have the requirements of the
3 change of custody with the Secretary of State's office.

4 Whereas in the past where it says they wouldn't
5 change because it's going to be in a county unsecured
6 environment, so the idea of being able to access the
7 ballots.

8 Now, the county procedures for when the absentees
9 come in, they're counted and they're written in flash
10 memory. And when they're written in flash memory, those
11 won't be tallied just as any other absentee system when
12 they start the process of the absentees.

13 One of the probably downsides to these types of
14 machines are they are slower. The typical absentee
15 process when you view a card, they run at, let's say, say
16 300 per minute; where this system runs at 28 to 30 per
17 minute. So there is a dramatic reduction in speed. But
18 the county can process those ballots right to the flash
19 memory. And what they do is they don't go into a tally on
20 to them.

21 So as far as the idea, is if there is a time
22 change or a point where they would issue absentee ballots,
23 I would imagine that a county that uses this system as an
24 absentee system would have it located in the county that
25 they have ballots available at their counter. But we've

1 also stated inside the procedures that the county do a Q
2 and A on the ballots.

3 In other words, the system's not going to work
4 when you walk in -- they're not going to say to Steve
5 Trout and push out a ballot. They're going to have
6 ballots already printed for Steve Trout's precinct and
7 they're going to go pull one because those have been
8 already checked.

9 So the system's not going to work with the idea
10 where you walk in and they just print it out on the
11 printer. Because, if so, you can't ensure that the
12 quality -- a lot of things can happen in print. That way
13 we have to be very careful on how we move with this idea
14 of the print. Somebody prints off a printer they didn't
15 realize that the ink didn't flash, and suddenly you're out
16 of it and you've actually got a blank form.

17 PANEL MEMBER TROUT: I think that addresses my
18 concern. Because I didn't want people coming in -- okay,
19 now I've got somebody coming in and wants to do one at
20 10:30 or, you know, a group of people come in at 10:30 and
21 we print out 5,000 and then another group comes in at 1:30
22 and we have to fire up the machine to do it again. So
23 you're just talking about doing it, you know, like once a
24 day or once every couple days, as needed, for -- and then
25 you're going to have a whole bunch of ballots for every

1 ballot type that you're going to need at the counter.

2 MR. DEDIER: Exactly.

3 What this gives is that the county -- they keep a
4 stock of ballots. They have, let's say, 10 or 15 at the
5 ballots. They realize when they run low, that they
6 produce them. I'm not saying that the system should never
7 be used with a printer sitting right on the table where
8 they print the ballot, because you have a quality issue.
9 And that quality control can drop off. And there's going
10 to be a training issue involved, where they're going to
11 have to train somebody on how to print it. It looks
12 simple. But the idea of the quality check has to be
13 ensured when the ballot goes through that that ballot's
14 available for processing. If the printer tray's off, the
15 ballot won't read. Sometimes a "yes" reads a "no," a "no"
16 reads a "yes."

17 So that has to be -- the quality checks have to
18 be there. And that's where the -- the county has to
19 require -- meet the requirements of becoming a ballot
20 printer. And those things will be instructed to them. At
21 the time you say, to ensure, "When you do a ballot on
22 demand, you have to understand that quality is involved in
23 printing ballots." And that's why there is printers, and
24 that's why out of -- currently in California there's close
25 to 10,000 printers. We have only 6 to 8 printers that

1 have chose to become ballot printers because of the
2 complexity and the securities required. It is a tough
3 job. It's not an easy task that they take on by printing
4 ballots.

5 But that's the idea that's outlined in the
6 procedures.

7 PANEL MEMBER TROUT: That will be outlined in the
8 procedures?

9 MR. MOTT-SMITH: This may not have been your
10 question exactly. But the voting -- the issue of people
11 voting the DRE machines in the early voting environment
12 where you have multiple days -- potentially 29 days with
13 people voting, we did change the procedures specifically
14 to address what kinds of securities there are and how you
15 essentially clear the ballot box every morning, how you
16 store the stuff. And that's in the -- there's a section
17 on early voting for DRE machines in some of the
18 procedures.

19 You may have been asking just about the printing
20 of the ballot --

21 PANEL MEMBER TROUT: Yeah, I probably was. But
22 that's something -- you know, I think that's why we need
23 to see the procedures. And, you know, I'm happy to, you
24 know, hold off or -- yeah, or approve that contingent upon
25 our review of those procedures, because I think that's --

1 you know, that's the nitty-gritty of the details that we
2 need to -- that we need to look at and make sure that that
3 complies with, you know, our, you know, State law and the
4 procedures and security that we need to do.

5 MR. DEDIER: Yeah. And procedures that we handle
6 a little bit different -- when they come in, what we'll do
7 is we'll send each Advisory Committee member a copy of the
8 procedures. We'll ask them to review them and come back
9 with feedback. And then we can have our test and we'll
10 sit down and go over each one.

11 Basically, what you guys will see is the finished
12 product. And then at that time all stuff's in.
13 Procedures are going to come about 20 days in advance,
14 compared to 10 days advance with the systems material,
15 because they feel there's more items for you to really
16 address and read because we have to be really careful.
17 Because the procedure is where a system can fall in a
18 security crack or fall in an operation problem.

19 The biggest benefit on a ballot-on-demand system
20 is in a county, let's say, like in San Francisco where
21 they didn't have ballots on the day the election starts.
22 The county knowing that the day before, not having to rely
23 on a third-party vendor that's eight or ten hours away or
24 a day away, not having to get those ballots, and having
25 the ability to work throughout the evening to produce

1 ballots just to be at their use. It gives the county a
2 safety valve within ballot production.

3 I don't see a lot of counties making their
4 mainstream at running ballots. Imagine we'll have some
5 counties that will try to become full-fledged ballot
6 printers. As yet, I don't see where that would be an
7 issue because the equipment's very expensive and they'll
8 find out that the operation's a tough task to take. And
9 elections don't run off enough to warrantee that type of
10 equipment to be used.

11 So I think what you'll see is they'll use a
12 certified vendor by the Secretary of State, but they'll
13 have the ability and that safety valve available at the
14 county levels, so they'll downsize their order on ballots
15 for about 50 percent 60 percent because they know about
16 how many they use. So they'll order what they use, not
17 what they have to order. And then they'll produce what's
18 needed on a demand situation, which would create a cost
19 savings.

20 PANEL MEMBER MOTT-SMITH: Okay. Bob kind of
21 points out, and I think it's worth noting, that they will
22 still have to provide 75 percent of the ballots to the
23 polling places. But what Lou is saying is that they'll be
24 able to do that on an order --

25 MR. DEDIER: -- Order-by-order basis.

1 PANEL MEMBER MOTT-SMITH: That you'll order them
2 from a certified printer, but you'll have the capability
3 of doing the rest of them in-house as you refine how many
4 voters there are in polling places.

5 MR. DEDIER: Yeah, it gives you a safety valve,
6 so to speak. It would be huge --

7 CHAIRPERSON JENNINGS: I would think it would be
8 cheaper.

9 MR. DEDIER: Exactly. It's like Connie McCormick
10 said in Los Angeles. And I'll quote exactly what she
11 said: "A ballot on demand whether they fully switch to a
12 system will be a must." It will be a must for Los Angeles
13 County because they would like to have that type of safety
14 valve involved within their county to where if something
15 happens, they have a fall back.

16 Disaster recovery plans, those type of situations
17 are going to be become an issue that we're faced in
18 elections. Currently, there's not. The idea is if a
19 county does lose their election system, what do they do?
20 If they lose their systems, what do they do? And I think
21 as we evolve with technology, you're going to see the
22 counties start to set these contingencies in place.

23 PANEL MEMBER MOTT-SMITH: And this will permit
24 them to be more precise in their absentee ordering, not
25 their polling place ordering as well, so they wouldn't

1 necessarily over order for their absentee voters.

2 CHAIRPERSON JENNINGS: All right. Any other
3 comments from members of the panel?

4 Well, being nothing, are there any comments from
5 the people in the audience, from the public?

6 Well, seeing none, hearing none --

7 PANEL MEMBER MOTT-SMITH: Would you like to say
8 anything at all?

9 MS. GIORDANO: Ingrid Giordano. I'm with
10 Advanced Voting Solutions.

11 Thank you for your consideration. If there's
12 anything I can add to it, I'd be pleased to.

13 PANEL MEMBER MOTT-SMITH: These conditions are
14 acceptable?

15 MS. GIORDANO: Absolutely.

16 PANEL MEMBER MOTT-SMITH: Perfect.

17 CHAIRPERSON JENNINGS: Did we have a comment back
18 in the back?

19 PANEL MEMBER GUTIERREZ: Mr. Chairman, I make the
20 motion that we adopt the recommendation of staff as laid
21 out on Page 5 of the report.

22 CHAIRPERSON JENNINGS: Thank you. Moved by Chon
23 Gutierrez.

24 Is there a second?

25 PANEL MEMBER SORIANO: Second.

1 CHAIRPERSON JENNINGS: Seconded by Bernard
2 Soriano.

3 And do we have any further discussion?

4 If not, I'll call the question.

5 All in favor of the motion, signify by saying
6 ayes.

7 (Ayes.)

8 CHAIRPERSON JENNINGS: Opposed, same sign?

9 Motion passes.

10 And we'll, go on to what is and has been Number 1
11 on the agenda, but is now Number 2, consideration of the
12 Avante, Vote Tracker Touch Screen Voting System.

13 MR. DEDIER: Avante came forward to us. They
14 have completed the testing with Robert Nageley and myself.

15 They did very well. They had some changes to
16 make. We had a list of items that updated you on those
17 items that were there at the last meeting.

18 In addition, the advisory group had some changes
19 that they wanted made to the system, that they thought
20 some of the items that they thought would be better used
21 by the clerks in California. Those items were changed and
22 displayed 2 weeks ago.

23 What we're going to have is a report coming
24 forward to you on that.

25 In testing the system, the system that was sent

1 for us to verify what the hardware specifications were, we
2 determined it to be a prototype. We contacted the vendor.
3 They realized that they sent us that system in error.

4 So they're currently preparing a system on the
5 production line. And they've invited us to come back and
6 take a look at their factory and their production
7 facility.

8 In addition, Avante contacted me yesterday. And
9 they'd like the opportunity to announce a partnership
10 agreement that they'd like to discuss with you.

11 CHAIRPERSON JENNINGS: And we have John Byrne
12 here representing Avante.

13 And, John, we received a letter which indicates
14 that you have joined and become partners with HP.
15 Congratulations.

16 And do you have comments to make?

17 MR. BYRNE: Well, first I'd like to go through
18 the letter verbatim and then maybe add a little insight to
19 it or any questions we might have as a result of that.

20 CHAIRPERSON JENNINGS: All right.

21 MR. BYRNE: I'll introduce myself for the record.

22 John Byrne, Avante International.

23 The letter is dated August 8th 2002, and it's
24 addressed to all California County Registrars of Voters,
25 Clerks and Election Officials of all states and counties

1 in the United States.

2 "Dear Sir or Madam: This is to validate that
3 Hewlett Packard (HP) has agreed to provide services as
4 subcontractor to a Avante International (AIT) to deliver
5 electronic voting solutions. HP will be providing both
6 hardware and services. Services may include, but will not
7 be limited to, consulting, logistics support, system
8 deployment, training, system integration, management
9 services, outreach, and election support.

10 "If you have any questions or concerns, please do
11 not hesitate to contact me. Regards, Peggy Dunlea,
12 Worldwide Managing Principal, eGovernment and Education
13 Practices, Hewlett Packard."

14 We're very pleased to have entered in this
15 agreement. And it's been part of our business plan from
16 the very beginning to help bolster our support and
17 services and capacity as we move towards certification of
18 California as well as multiple states. We feel it's
19 critical, and are very pleased to get their thorough
20 support, with -- particularly after their recent merger
21 with Compaq Computer.

22 We had entered into agreement with Hewlett
23 Packard prior to the merger and had gone through several
24 discussions after their merger with Compaq, with many of
25 the folks at Compaq; and pleased that that part of the

1 company was able to bring much more experience and
2 services in the area of elections.

3 Particularly close to home here, they actually
4 conduct and have the election-night server here in the
5 Secretary Of State's office, which has been in
6 implementation since 1993. And they also had experience
7 with the statewide registration system, which we're
8 working on as far as development for the State of
9 Michigan, which I already know about that system. And so
10 with that, I -- if you have any questions regarding that
11 at all --

12 CHAIRPERSON JENNINGS: Well, no. Again, my
13 congratulations to you for, you know, this partnership --
14 entering into, I guess, a -- is it a subcontract or is
15 it --

16 MR. BYRNE: Yes. Actually, there is -- if you'd
17 like, I for the record could actually submit the actual
18 agreement. But what the agreement says in a nutshell is
19 that we -- Avante International is the -- will be the
20 prime on all RFPs. And we've agreed to subcontract with
21 Hewlett Packard for all of the services -- all of or one
22 or two, depending on what's pertinent and applicable at
23 that particular county.

24 CHAIRPERSON JENNINGS: Thank you, John.

25 Do we have any comments from the members of the

1 panel?

2 Questions?

3 PANEL MEMBER MOTT-SMITH: Did Compaq prior to the
4 merger have any business relations with any other election
5 system vendors?

6 MR. BYRNE: Yes, they did.

7 PANEL MEMBER MOTT-SMITH: So how does that --
8 just curiosity, how does that rationalize in terms of --

9 MR. BYRNE: -- our relationship or the --

10 PANEL MEMBER MOTT-SMITH: Yeah. HP is now in a
11 relationship with more than one election vendor, is that
12 right?

13 MR. BYRNE: That's correct. HP is actually --
14 told me that they have quite ambitious plans in the
15 election industry, this emerging market, and have had
16 prior experiences in -- as the market's been developing,
17 has looked at several of the vendors, either, in one
18 case -- two actually maybe possibly become a prime in some
19 cases or a subprime on RFPs. And so they do have an
20 agreement, but I believe it's a vote year.

21 We're comfortable with that.

22 CHAIRPERSON JENNINGS: Any other comments?

23 Lou, what is your recommendation?

24 MR. DEDIER: Well, with Avante what we're going
25 to do is ask that it be placed on hold. I have nothing to

1 bring forward to you at this time.

2 Once I complete the evaluation and we can
3 determine the specifications on the equipment, then move
4 forward to report. It's kind of to the point where we
5 need to see the production-line model to ensure that the
6 counties that receive the equipment, we can verify what
7 was certified is what was placed inside the county.

8 CHAIRPERSON JENNINGS: Well, we have a meeting in
9 September.

10 MR. DEDIER: We're going to establish that once
11 we -- we'll have it out ready to go probably on around the
12 26th is what we're looking at in September. But I need to
13 firm up everything.

14 CHAIRPERSON JENNINGS: So we don't have to take
15 any action on this at this time?

16 No. Actually, we'll just move this item to the
17 next agenda.

18 CHAIRPERSON JENNINGS: Let's then move to Item
19 Number 3 on the agenda, consideration of the ES&S optical
20 scan modification to allow the system to produce ballots
21 on demand.

22 MR. DEDIER: The ES&S, what they did is they came
23 to us with a modification to the Model 650. They were
24 moving towards a ballot on demand. So to speak, they're
25 chasing the other vendors. Basically, we have two systems

1 now that are out there producing ballots on demand. That
2 is where the market is moving to.

3 ES&S did very well in testing. They supplied
4 everything in their test and they supplied everything in
5 their application.

6 When we looked at their procedures, their
7 procedures didn't mirror what the operation of the system
8 was. Therefore, that they weren't even close to what we
9 could consider a California-style template or rearrange
10 the procedures.

11 So we instructed ES&S to come back to us when
12 they have their procedures complete. They have forwarded
13 their procedures, but they forwarded their procedures five
14 days prior to this meeting, which doesn't give us time to
15 review them or give you proper time to have the material
16 before you, so we move to move that item to the next
17 agenda.

18 CHAIRPERSON JENNINGS: All right. I agree.

19 So no action being required by this panel, we'll
20 move on to Item Number 4, consideration of the Voting
21 Technologies Touch Screen Voting System.

22 MR. DEDIER: Voting Technologies is a company out
23 of Milwaukee. We had set up a test with myself and Robert
24 Nageley. We gave the information of what the testing
25 pattern would be. We don't release our test pattern, so

1 it's not a set test, because we don't want somebody to
2 create a software base just for us. We want them to
3 design that software based in a system, a true test.

4 When we gave the material on what we would be
5 testing, Voting Technologies came back and asked to
6 postpone for 30 days. They didn't feel that they could
7 meet some of the requirements of the testing set forth in
8 California, even though they had met the Nay Set testing
9 requirements. In California, we have specific things that
10 we look for and procedures. We document everything. We
11 check every piece of the system. And they didn't feel
12 that they could meet those at that time, so they asked for
13 a postponement.

14 Some of the issues were accessibility to the
15 blind. The blind accessibility feature was not in the
16 system required by Nay Set.

17 So they went back. We'll have that system in
18 testing in September. I don't know if it will come before
19 you at that time. It's strictly on the ability for the
20 vendor to provide such testing and information.

21 CHAIRPERSON JENNINGS: All right. So we have no
22 action to take on that.

23 That is the last agenda item.

24 Chris.

25 PANEL MEMBER REYNOLDS: If a company responds to

1 your test protocols that you've provided in the test
2 procedures, whatever the grant word is, and says, "We want
3 to postpone our test," then do they in advance have the
4 test protocols or are you going to give them a new set --

5 MR. DEDIER: No, we do change it. And I do
6 instruct them of that. We will change the jurisdiction
7 and the precincts and the alpha rotation and the
8 availability of the test. We thought of that with the
9 idea that a lot of them might try to do that so they could
10 have advanced notice to send the test in. And what we do
11 is we instruct them that we will change the testing
12 pattern prior to that test 48 hours in advance.

13 PANEL MEMBER REYNOLDS: What advantage are you
14 seeking then, if you could describe it to me, for not
15 letting them know what the test protocols are in advance?

16 MR. DEDIER: What we see is in the model when
17 they haven't done their home work, they come into
18 California and they set up an election with a straight
19 party ballot or a recall situation and software. And
20 they've told us that doesn't exist. And if we give them
21 the parameters of what we're looking for in that specific
22 instance, like if we tell, "We're going to set up 20
23 precincts," then what they can do is expand the software
24 through the memory. Sometimes we'll ask for 20; sometimes
25 I'll ask for 100. In Avante we ran 100,000 votes through

1 and 15 different precincts.

2 So basically what we do is give them the
3 parameters. And by giving them parameters in advance,
4 what they do is they pre-load the election. Then they
5 don't allow you -- this is what a vendor would do to you.
6 You're ready to set up the ballot generation.

7 We'll give them -- typically we'll pick a county
8 somewhere in California and we'll ask that they duplicate
9 an election for this county and this jurisdiction. We'll
10 ask for an early voting scenario, a primary and secondary,
11 and we'll pick a specific county to rotate those counties.
12 We'll give them an alpha numeric rotation that they have
13 to have it loaded. Then we'll give them an alpha numeric
14 that we're going to change to. We'll give them -- ask
15 them how many languages they want to display. It's
16 totally up to the vendor.

17 And what you'll find out a lot of times, if you
18 load the election, what they'll do is they may -- they can
19 set the text so small and they can set the memory so
20 small, that they can set the election where we really
21 haven't tested the machine where we intend it as a
22 display. They're hoping it will just display -- if we
23 give them the testing protocols in advance, they're able
24 to do a display of what the test should be, and they pass.
25 It's just that simple.

1 Where if we kind of upchange the test, so to
2 speak, they don't know what's coming out at them and you
3 get a true meaning of the system. And when they do walk
4 into the system, it's like the -- a lot of the systems --
5 a lot of the states don't test the accessibility features.
6 They ask if the vendor has it.

7 We actually test it. As soon as we finish
8 testing, the following day we're at the National
9 Federation of the Blind or the California Council of the
10 Blind, the very next day, with that system. And we run it
11 through blind folks. And if they say, "Our audio's in
12 Spanish," I actually have a group in Los Angeles that
13 tests audio in Spanish. And they sit right there and go
14 through the ballot.

15 And you'd be surprised how many of the Spanish
16 translations to the audio have been incorrect. And
17 they've come back and told them. Or the language is too
18 slow or too fast. And when we have a user group of 10
19 people that all speak Spanish that are blind, they can
20 tell them directly, "This will not work. This will not
21 work in the community."

22 So what we've done, it's kind of like on a key
23 pad on the Devott System. On some of the blind users it
24 worked out great. But some of the Devolt Systems in the
25 elderly, they hated it. They absolutely hated it. But

1 the blind groups loved it. It's just the difference in --
2 where some of the systems, they really do truly love; and
3 some of the systems they have problems with. And each
4 system is unique to the user. But as you go through and
5 test it, and that's why we set up the protocols and we
6 move different -- different testing groups. And we try to
7 do as much testing as we can to give you as much
8 information as possible, I do want to overkill, is exactly
9 what I'm doing.

10 And we walk through every manual, every step of
11 the system. And I think most of the vendors that are here
12 could probably tell you, when we walk in we give them the
13 testing election. They have it set. We look at that.
14 And then we go back and we check the front end software
15 very, very carefully. And we ask them to do a recall.
16 Then we ask them to walk us through the procedures of
17 implementing the poll.

18 So they finish everything out and they're done
19 and we say, "Okay, you're a poll worker. Show us what to
20 do." And they walk through the entire opening of the
21 polls. And as we catch that, there's a lot of things in
22 the California code that they do skip and they do miss,
23 and those things are identified. It's -- when you go to
24 look at a ballot, you see straight party voting. Right
25 off the get-go on your first string.

1 So what we do is we -- we hope that the vendor
2 does their homework. But Nay Set testing covers
3 generalizations. It doesn't cover California. A system
4 comes to California, they've been run through Nay Set.
5 That just means that they've met in security and the
6 accuracy. It doesn't mean that they've met the California
7 code. So they come here and then we have the tests for
8 that.

9 CHAIRPERSON JENNINGS: Thank you.

10 Any other questions?

11 Do we have any response from the audience on any
12 of the agenda items that we have gone through?

13 Do I have any comments in general?

14 MR. DEDIER: I do have one more update to give
15 you as well.

16 Back at the last meeting, the panel had
17 instructed me to try and set up some information on DREs
18 and how they're implemented and what they're used for and
19 the idea of creating a survey. We are in the process of
20 doing that. And basically in addition to that what the
21 authority of the SOS has to approve systems, what we have
22 to recall there, what we have to reject. We are in the
23 process of creating such a report. And you guys will
24 receive information on the elections.

25 I will send each one to -- we're currently

1 tracking every election in the United States. And the
2 idea behind that is that I've added early voting. There
3 is a lot of early voting that I noticed was left off of
4 the information that I was going to supply you.

5 There's a lot of early voting tests that are only
6 going on in one or two precincts by new vendors that are
7 out there. I'm going to add those to track and so this
8 panel can be apprised of every vendor out there in the
9 U.S. that's running the system. So that report will be
10 forthcoming. I just wanted to let you know we are working
11 on it and didn't forget about it.

12 CHAIRPERSON JENNINGS: I thank you, Lou.

13 I might point out, I think anyone who read the
14 Sacramento Bee this morning saw the major article done by
15 Ed Fletcher on the work of the Voting Modernization Board
16 and the fact that they are quickly moving toward
17 allocation of -- counties. The county applications are
18 due on September 3rd. And the next meeting of the Voting
19 Modernization Board will be held on September 16th, at
20 which time there'll be an initial allocation of funds.

21 So things are moving quickly in California. And
22 we're glad as a panel to be a part of the process here in
23 terms of certifying systems for sale to the counties and
24 utilization of the bond monies that have been approved
25 last March.

1 So, again, if we have no further comments and no
2 further business before this panel, I'll adjourn the
3 meeting.

4 PANEL MEMBER MOTT-SMITH: May I make a comment to
5 what Lou talked about because -- it was actually taking
6 Chon's suggestion a little further in a sense of not just
7 tracking what other systems are doing in other
8 jurisdictions around the country. But part of what Lou
9 recommended in terms of us being present for the
10 acceptance test is to make sure that what the county is
11 installing is what we approved. But we're also looking to
12 proactively be able to evaluate whether systems are
13 meeting needing improvement or what we can do to sort of
14 keep the general voting system ball moving forward.

15 So Lou's working on a bigger project than he
16 actually described there. And I think which meets sort of
17 Chon's, and I think someone else made the suggestion as
18 well, for us to take a bigger look at that, at how the
19 voting systems panel rather than having a snapshot in time
20 and saying, "Okay, you're approved right now," how do we
21 sort of continue our involvement over time with that
22 system, is it meeting the standards of law and is it
23 improving with the times.

24 So that has a legal component, it has a technical
25 component, it has a policy component. And Lou's working

1 on all of those.

2 CHAIRPERSON JENNINGS: Thank you, John.

3 Jim, did you get that?

4 I assume you did.

5 Well, then I'll adjourn again.

6 (Thereupon the Secretary of State Voting

7 Systems Panel adjourned at 10:40 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Secretary of State, Voting Systems Panel meeting
7 was reported in shorthand by me, James F. Peters, a
8 Certified Shorthand Reporter of the State of California,
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10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 10th day of September, 2002.

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